

EXHIBIT A TO
LABRECQUE MOTION IN LIMINE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VICTORIA'S SECRET STORES
BRAND MANAGEMENT, INC.,

Plaintiff,

v.

SEXY HAIR CONCEPTS, LLC,

Defendant.

Case No. 07cv-5804 (GEL)

EXPERT REPORT OF PAUL LABRECQUE

Jan 31 08 04:14p

Paul Labrecque Salon

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p.2

**Expert Report of Paul Labrecque in the Matter of
Victoria's Secret Stores Brand Mg't, Inc. v. Sexy Hair Concepts, LLC**

Introduction

I was asked to provide my opinion regarding the use of the word "sexy" in the field of hair care as a descriptive term and as part of various trademarks.

Background

After graduating from Fitchburg State College in 1983 with a dual degree in special education for elementary education (kindergarten through 9th grade), I taught junior high school English in Miami and Hallandale, Florida for one year.

In 1983, I enrolled at the beauty school of the Wilfred Academy in Miami, Florida training as a hair stylist. After completing my training in 1984, I served as an apprentice at the Impressions hair salon in Miami until 1985 and then as a stylist at the same salon from 1985-86.

In 1986, I went to London to study hair styling at Jingles International. In 1987, I became an educator at Jingles International for a year before returning to New York to establish the Paul Labrecque Salon in 1988.

My salon began as a two-seat shop and has grown into two popular and well-regarded salons on both the East Side and West Side of Manhattan. Paul Labrecque West is located in the Reebok Sports Club, New York's finest wellness and fitness center. We offer the finest in hair care, skin care, massage, make up and body treatments. Paul Labrecque East is a 7000 square foot full-service salon and spa that New York magazine, Details, In Style, Allure and Vogue rank among New York's best.

Compensation

I am being paid at the rate of \$400 per hour for my time on this project.

Hair Care Products

I am familiar with the process of developing hair care products. I have developed a full line of hair care products, including shampoo, conditioner, and styling products, such as gel, spray, holding mist, control cream and molding balm. The products under my line are segmented to address every hair type. For instance, the daily line is for all hair types. Color is for bleached or processed hair. Curly is for unruly hair. Straight is for rebellious hair. Volume is for limp, fine or weak hair, and Repair is for dry or damaged hair. I currently offer these products in my

Jan 31 08 04:14p

Paul Labrecque Salon

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P.3

salons and on my website, paullabrecque.com and at Fred Segal in Los Angeles and Selfridges in London

In addition to the Paul Labrecque line, we also sell hair care products from third parties that I feel are of excellent quality. Among the other brands we offer are Kérastase, Phyto, Biologique Recherche, Crède, Uans, Philip B, Magic Move, Tools and Isle of Dogs.

Sexy Hair Concepts

Until I was asked to participate in this matter, I was not familiar with Sexy Hair Concepts ("SHC"), any of its products or its founder Michael O'Rourke. My salons do not sell SHC products.

Since that time, I have reviewed photographs of samples of SHC's BIG SEXY HAIR, SHORT SEXY HAIR, WILD SEXY HAIR, CURLY SEXY HAIR, SILKY SEXY HAIR, and HOT SEXY HIGHLIGHTS products along with products from Victoria's Secret's SO SEXY hair care line.

Media Coverage

I have been interviewed and written about by countless fashion and beauty magazines. Some media coverage featuring my salons and products are available on my website, including publications such as Vanity Fair, Elle, Redbook, Harper's Bazaar and Allure.

My television appearances include various news and entertainment programs, such as The Today Show, Live with Regis and Kelly, Live with Regis and Kathy Lee, CBS's This Morning, The Morning Show with Mike and Juliet, The Joan Rivers Show, Queer Eye for the Straight Guy and many makeover segments on the E-Entertainment Channel. I appeared in the film The Mirror Has Two Faces, which was filmed in my salon, and played the role of Barbra Streisand's hair stylist.

In my salons, one will find the following trade and consumer publications:

Hairdressers Modern Journal, Salon, American Salon, Launchpad, W, Vogue, Men's Vogue, GQ, People, Star, OK, HG-House Garden, Bazaar, Allure, Luxury Spa Finder, Lucky, Ebony, Essence, New York, Travel & Leisure, Elle Décor, Aspen Peak, House Beautiful, Gourmet, New Beauty, In Style and many others.

I review the trade publications covering the hair care and salon industries, and generally flip through various fashion and beauty magazines. These publications frequently feature headlines or articles that promise the reader SEXY new looks, through make-up, clothing, exercise, and hair styles. For example, the media

Jan 31 08 04:14p

Paul Labrecque Salon

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P. 4

section on my website collects some of the dozens of favorable press coverage my salons and products have received. Lucky magazine from August 2007 features a large headline on its cover touting an article about "Sexy hair." The February 2007 edition of Essence magazine features an article with suggestions from one of my stylists entitled, "Sexy Styling Tricks." The Fall 2006 edition of People Style Watch has a headline "SEXY HAIR How to Get It." These examples are attached as Exhibit A.

Sexy is a Core Concept in Hair Care

On a more direct level, the word "sexy" is essential to my business and hair care in general. The Paul Labrecque philosophy is straightforward and concise: **Simple. Sexy. Sophisticated.** I have used this motto for the last five years, and it continues to guide my hair stylists and me. This mission statement appears on my website on the About Paul Labrecque page, attached as Exhibit B.

These are not just words to us. Sexy embodies a look, feel and attitude that our customers seek to acquire through the trained skills of our hair stylists and the superb products that we offer. I frequently use "sexy" in conversations with clients to gauge their desires and the final result, as well as in interviews to describe the impact of what we do. "Sexy" is an adjective that we use to describe a noun, and since our core business is hair styling, sexy and hair are a natural combination.

Although I understand SHC owns trademarks that include the term "Sexy Hair," in my opinion, no one in the hair care industry, including stylists, salons and producers of product, should be prevented from using the word "sexy" in the context of hair care, either descriptively or as part of a product name combined with one or more other terms. It would be unfair to do so.

All my hairstylists use the word sexy, and they are encouraged to use the word sexy to describe the hairstyles they create. I teach a weekly class for my hair stylists, and I am constantly describing a look, cut or style as "sexy."

In all my years of cutting and styling hair, I have worked with some of the world's most glamorous and well-known women as well as the "woman on the street" for whom we sometimes will provide make-overs in a magazine article. Every woman who comes to us wants to look better afterward. By looking better, the vast majority of women will state that they feel better as a result. Women from all walks of life tell my stylists and me that they want to look sexy. Sexy is a personal equation, but it undoubtedly involves a hairstyle that transforms the woman and brings out her beauty and desirability. In reference to hair, sexy can mean movement, body, hair that is not perfect, uncontrived, somewhat messy, like you just got out of bed. One well-known example that comes to mind are the

Jan 31 00 04:10p

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Victoria's Secret supermodels who have very sexy hair. I firmly believe that hair can be sexy because a great hairstyle makes a woman look and feel sexy.

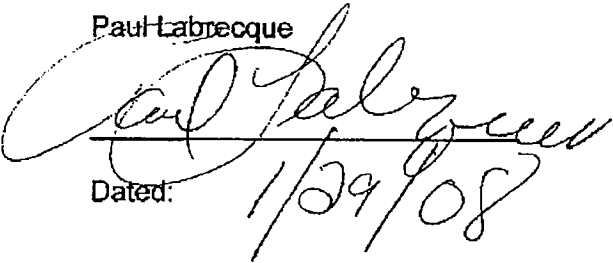
One of our proudest accomplishments is the charitable work we do by creating wigs for cancer patients who have lost their hair. In my mind, when these brave women undergoing treatment put on the wigs that we make for them, the transformation is truly heart warming and no less than sexy.

Conclusion

Over nearly twenty-five years as a hair care professional, I have seen changes in cuts, styles, lengths, coloring and treatments. One constant, however, is the objective of a woman who trusts her hair to my team of stylists – regardless of cut, length or color, she wants to emerge from the chair looking sexy. My job is to make that happen, and our success is a testament to the results we have achieved in making tens of thousands of woman look sexy by styling their hair.

Therefore, just as my salon has no monopoly on sexy, the word cannot be exclusive to any one company or product line. As a result, it is my opinion, that no one should be able to prevent any other company from using the word sexy not only as an adjective to describe hair or the effect of hair care products but also using sexy, with another word or words, as a trademark or brand for hair care products.

Paul Labrecque

A handwritten signature in cursive script, reading "Paul Labrecque", written over a horizontal line. Below the signature, the word "Dated:" is printed, followed by the date "1/29/08" written in cursive.

Dated:

1/29/08